

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

DENNIS LEMKE

CRIMINAL COMPLAINT

Case Number:

08-MJ-256 JSM

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From a date uncertain to on or about 2/27/07 in Stearns County, in the State and District of Minnesota, defendant did use persons under the age of eighteen to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, specifically, digital photographs, which visual depictions were produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce,

in violation of Title 18 United States Code, Section(s) 2251(a).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

06/17/08

Date

The Honorable Janie S. Mayeron
UNITED STATES MAGISTRATE JUDGE

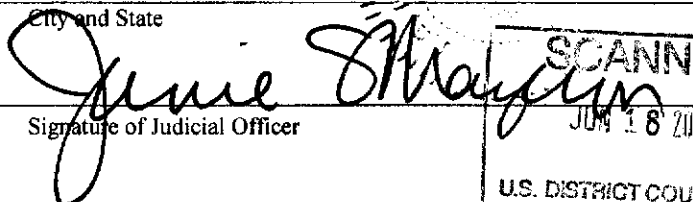
Name & Title of Judicial Officer

at


Signature of Complainant
D. Ryan Williams
FBI

Minneapolis, MN

City and State


Signature of Judicial Officer

SCANNED

JUN 18 2008

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF D. RYAN WILLIAMS
COUNTY OF HENNEPIN)

I, D. Ryan Williams, being duly sworn, hereby depose and say:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed for approximately two years. I am currently assigned to the St. Cloud Resident Agency of the Minneapolis, Minnesota, Division.

2. As a Special Agent of the FBI, I am responsible for investigating violations of federal criminal law, including those related to the manufacture, possession, and distribution of child pornography.

3. This affidavit is based upon my training, experience, personal knowledge, and observations in this investigation; upon my discussions with other law enforcement officers and agents directly involved in this investigation; and upon my review of reports submitted in relation to this investigation. Further, this affidavit contains information to support probable cause for an arrest warrant but is not intended to convey the facts of the entire investigation.

4. In October 2006, the St. Cloud Police Department received a report alleging sexual misconduct against a young girl by Dennis Lemke, who resided at 3051 Cooper Avenue South, St. Cloud, Minnesota 56301. The victim was four years old at the time of the alleged sexual misconduct, and was six years old in October 2006, when she disclosed to her mother that Dennis Lemke had

inappropriately touched her under her clothing when she was attending day care provided by Dennis Lemke's wife, in the Lemke home. An investigation was conducted by the St. Cloud Police Department, but no charges were brought.

5. On February 27, 2007, I was involved in the execution of a federal search warrant at Dennis Lemke's home, located at 3051 Cooper Avenue South, in St. Cloud, Minnesota. The search warrant was based on an investigation of child pornography. Several items were seized from the residence, including a computer, electronic storage media, and a Minolta Dimage X digital camera.

6. FBI Special Agent Jerry Dewees was assigned to conduct a forensic examination of the items seized pursuant to the search warrant. During the subsequent examination conducted by Special Agent Dewees, an extremely large number of digital images were located on the seized computer, most of which are sexually explicit images of children.

7. While preparing the images for review by the National Center for Missing and Exploited Children (NCMEC), Special Agent Dewees discovered a picture of an adult male holding and licking a pair of female panties. I have reviewed the pictures, and have identified the adult male as Dennis Lemke. I am familiar with Dennis Lemke, having interviewed him on February 27, 2007, the date the search warrant was executed at his residence. Special Agent Dewees then examined the identifying "EXIF" data from the picture

and concluded that the picture was taken with a Minolta Dimage X digital camera. "EXIF" stands for exchangeable image file, and "EXIF" data contains information about each photograph, which is placed there by the digital camera used to take the photograph. Special Agent Dewees then conducted a text search for "Minolta" throughout the "EXIF" data on all captured images.

8. This text search yielded several hundred images which were then examined by Special Agent Dewees. He noted approximately 300 images which were of interest because they contained child pornography, or because a person depicted in the image was identifiable.

9. While the "EXIF" data does not uniquely identify the camera that created the images, it does clearly identify the make and model as a Minolta Dimage X, which was the type of digital camera seized from Lemke's residence. The data also indicates the date and time each image was created, according to the date and time set on the camera. The date and time can potentially be inaccurate; however, it does establish the length of time between the photographs.

10. The Minolta Dimage X digital camera seized from Dennis Lemke's residence is marked "Made in Japan". On information and belief, Minolta has never manufactured cameras in the State of Minnesota.

11. Throughout several series of images from the subject computer, there are clear images of Dennis Lemke, and sexually explicit images of children taken minutes later. Several images depict digital anal penetration of prepubescent children. Images of Dennis Lemke show him to be wearing on his left hand a gold wedding ring with a line of five diamonds, or stones that appear to be diamonds, and on his left wrist a men's watch, with a black band and a silver face. In several of the images depicting digital penetration of prepubescent children, a wedding ring and watch can be seen which appear identical to the ones worn by Dennis Lemke in the aforementioned images. The images appear to have been taken by Dennis Lemke, and also showed him engaged in sexually explicit conduct with children, including the lascivious exhibition of the genital area of prepubescent girls.

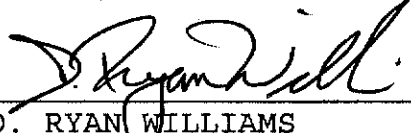
12. Of the hundreds of images identified as having been taken by the Minolta Dimage X, at least three series of images depicting three different prepubescent girls were identified. Each series begins with pictures of Lemke and the prepubescent girls, and then progresses to show sexually explicit images of the children. In many of the images, Dennis Lemke is identifiable as the perpetrator of sexually explicit conduct involving the children, including the lascivious exhibition of the genital area. According to an investigator with the St. Cloud Police Department, one of the prepubescent girls in the sexually explicit images appears to be

the girl who previously reported sexual misconduct by Dennis Lemke, as set forth in paragraph 4 of this affidavit, when she was attending daycare provided by Dennis Lemke's wife.

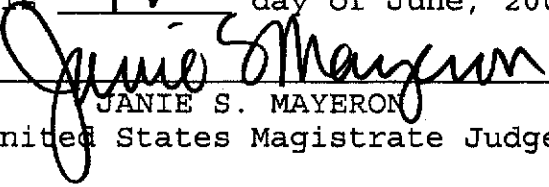
13. At least one digital movie was identified that depicts and adult male performing oral sex on a prepubescent girl. Based on my review of the digital move, the adult male appears to be Dennis Lemke. At least one still image shows an adult male who appears to have ejaculated on the genital area of a prepubescent girl. The child depicted in that image appears to be the child depicted in the aforementioned digital movie.

14. Based upon the above information, it is believed that Dennis Lemke used minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, using materials that had been transported in interstate commerce, in violation of Title 18, United States Code, Section 2251(a).

Further your affiant sayeth not.


D. RYAN WILLIAMS
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 17th day of June, 2008.


JANIE S. MAYERON
United States Magistrate Judge

